PART XIII.

A'BKA'RI.

NOTIFICATIONS UNDER THE BOMBAY A'BKÁRI ACT, V OF 1878.

Section 1.—The Act came into force throughout the Presidency on 1st January 1879 and in the territories of Bhor, Jath and Daflápur under the Sátára Political Agency on 6th June 1879. (Notification No. 5756, *B. G. G.*, 1878, p. 708; Notification No. 2863, *B. G. G.*, 1879, p. 569.)

It is in force in the State of Akalkot. (Notification No. 5728, *B. G. G.*, 1879, p. 966, and Notification No. 3413, *B. G. G.*, 1880, p. 658.)

Appointments and Powers.

Section 3.—The Commissioner of Customs is appointed, for the purposes of the Act, Commissioner of Ábkári revenue for the whole of the Presidency of Bombay except Sind and the Settlement of Aden. (Notification No. 5757, *B. G. G.*, 1878, p. 708.)

The Political Resident at Aden is appointed Commissioner of Ábkári for that settlement. (Notification No. 6161, *B. G. G.*, 1878, p 787.)

Section 5.—The following officers are appointed to exercise all the powers and perform all the duties of a Collector under the Act within the limits mentioned :—

The Assistant Resident at Aden for the time being in charge of the Ábkári Department in that settlement. (Notification No. 712, *B. G. G.*, 1886, p. 91.)

The Political Superintendents (now Deputy Commissioners), Thar and Parkár, Upper Sind Frontier, within the districts under their charge. (Notification No. 4196, *B. G. G.*, 1879, p. 690.)

Subject to the control of the Collector, the First Assistant Collector of Bombay within the islands of Bombay. (Notification No. 2202, *B. G. G.*, 1887, p. 295.)

The Collector of Salt Revenue in respect of every distillery directed by Government to be under the control of the Salt Department. (Notification No. 2127, *B. G. G.*, 1879, p. 494.)

Powers under Sections 33, 36, 37 and 40.

The Deputy and Assistant Collectors of Salt Revenue within the limits of their respective charges are invested with powers under sections 33, 36, 37 and 40. (Notification No. 2127, *B. G. G.*, 1879, p. 494.)

Every Assistant Collector of Salt Revenue within whose range there is a distillery directed by Government to be under the control of the Salt Department is invested with powers under section 13. (Notification No. 2127, *B. G. G.*, 1879, p. 494.)

Every supervisor of any such distillery is invested with powers under sections 13, 33, 36 and 37. (Notification No. 2127, *B. G. G.*, 1879, p. 494.)

A'bkári Inspectors and Sub-Inspectors are invested with powers under sections 36 and 37. (Notification No. 5739, *B. G. G.*, 1879, p. 826.)

The following officers are invested with powers under sections 13, 36, 37, 40 and 45(*a*) :—

Every Assistant and Deputy Collector in charge of a Huzúr Station or Sub-division of a district and

Every Mámlatdár, Mahálkari and Aval-Kárkún having Magisterial powers within the limits of their respective charges under the general control of the Collector. (Notification No. 5759, 1878, p. 708.)

The following officers are invested with powers under section 36 :—

The Superintendent (now Assistant Collector of Salt Revenue) of the Coast Guard Service, all Coast Guard and Land Frontier Inspectors, all Sar-Kárkúns of Tálukás, all Police Patels, and all Police officers above the grade of a Head Constable, and in the districts of Kolába and Thána, all Head Constables, and in the district of Ratnágiri the Head Constables from time to time posted for patrol duty on the Habsán and Goa Frontier and within the limits of their respective charges all Head Constables in charge of Táluka or Mahál Police Stations. (Notification No. 2127, *B. G. G.*, 1879, p. 494; Notification No. 1925, *B. G. G.*, 1882, p. 230; Notification No. 2511, *B. G. G.*, 1885, p. 427; Notification No. 4340, *B. G. G.*, 1887, p. 604.)

Maximum Quantities of Country Liquor and Intoxicating Drugs that may be transported without Permit.

(Notn. No. 4526A., *B. G. G.*, 1886, p. 547, and Notn. No. 9289, *B. G. G.*, 1891, p. 10.)

The following are prescribed as the maxima quantities of country liquor and intoxicating drugs which may be transported or removed without a permit from any one place to any other place hereinbelow respectively specified:—

Area.	Article.	Maximum Quantity.	
		If transported or removed from one place to another within the area named.	If transported or removed from any place within the area named to any place without the said area or *vice versâ*.
City of Bombay	Country liquor of every kind except toddy.	One imperial gallon or six reputed quart bottles.	One quarter of a pint.
Local limits of the farm of any farmer of the revenue from country liquor other than toddy, beyond the limits of the City of Bombay.	Do. ...	Do. ...	Do.
City of Bombay	Toddy of every discription not being unfermented toddy in transport from the place where it is drawn to the place where it is to be licitly disposed of.	Four imperial gallons.	Do.
Districts of Thána and Kolába ...	Do. ...	Four imperial gallons.	
Each Táluka and Mahál of the Districts of Surat, Ratnágiri and Kánara.	Do. ...	Do. ...	One quarter of a pint.
Each Táluka and Máhal in the Presidency excepting Sind, Aden, the City of Bombay and the Districts of Surat, Thána, Kolába, Ratnágiri and Kánara.	Do. ...	One imperial gallon .	Do.
The whole of the Presidency except Sind and Aden.	Intoxicating drugs ...	Half an Indian ser or 40 tolás.	Half an Indian ser or 40 tolás.

(Notn. No. 5048, *B. G. G.*, 1887, p. 665.)

Transport of Malt Liquor from Dápoli Brewery.—4,000 imperial gallons is prescribed as the maximum quantity of malt liquor which may be transported or removed without a permit from the Brewery at Dápoli near Poona to any other place in the Bombay Presidency.

(Notn. No. 3723, *B. G. G.*, 1887, p. 495.)

Transport of Country Liquor in Sind.—One gallon or six reputed quart bottles is prescribed as the maximum quantity of country liquor which may be transported or removed without a permit from any one place to any other place in the Province of Sind.

This restriction does not apply to unfermented toddy in transport from any place where it is drawn to the place where it is to be licitly disposed of in that province.

(Notn. No. 4681, *B. G. G.*, 1888, p. 602.)

Transport of intoxicating drugs in Sind.—No intoxicating drug exceeding in quantity half an Indian ser or 40 tolás shall be removed from any one place to other place in the Province of Sind.

Maximum Quantities of Retail Sale of Country Liquor and Intoxicating Drugs in the Presidency of Bombay, excluding Sind.

Section 17.—The maximum quantity of country liquor or any intoxicating drug which may be sold by retail at any one time or to one and the same person in the aggregate on any one day shall be as follows in the areas respectively defined:— (Notn. No. 2553, *B. G. G.*, 1885, p. 429.) (Notn. No. 4526, *B. G. G.*, 1886, p. 547.) (Notn. No. 4589, *B. G. G.*, 1886, p. 547.)

Area.	Article.	Maximum Quantity.
The City of Bombay, the Districts of Surat, Thána, Kolába, Ratnágiri and Kánara.	Toddy	Four Imperial gallons.
The Districts of Surat, Thána, Kolába, Ratnágiri and Kánara.	Country liquor other than toddy.	One Imperial gallon.
District of Khándesh, and in the— Kalvan, Báglán, and Peint } Tálukás of the Násik District.	Country liquor of any kind...	One-third of an Imperial gallon or 2 reputed quart bottles.
The whole Presidency of Bombay *except* Sind, Aden, the City of Bombay, the Districts of Surat, Thána, Kolába, Ratnágiri, Kánara and Khándesh, and the— Kalván, Báglán, and Peint } Tálukas of the Násik District.	Do. do. ...	One Imperial gallon.
The whole Presidency except Sind	Intoxicating drugs	Half an Indian seer or 40 tolás.

In the Province of Sind—

(*a*) The maximum quantity of *country liquor* which may be sold at one time or to one and the same person in the aggregate in any one day is one gallon or six reputed quart bottles, and (Notn. No. 3723, *B. G. G.*, 1887, p. 495.)

(*b*) *No intoxicating* drug exceeding in quantity *half an Indian ser* or *40 tolás* shall be *sold* by *retail* to one and the same person in the aggregate on any one day or be possessed by any person without a license or permit from competent authority. (Notn. No. 4681, *B. G. G.*, 1888, p. 602.)

Section 19.—A duty at the rate of Rs. 5 per Imperial gallon of the strength of London proof shall be levied on all spiced liquor not being of a strength exceeding 10° U.P. or below 25° U.P. issued from the public distilleries at Uran in the island of Karanja in the Kolába District for transport to the Town and Island of Bombay, and on all similar spiced liquor issued from the Central Distillery at Surat for transport to the Town and Island of Bombay or for consumption within the limit of the Surat District, the duty being reduced in proportion as the strength of the spirit is less than London proof. The duty shall be calculated on the strength of the spirit ascertained by test before it is sweetened. (Notn. No. 8312, *B. G. G.*, 1887, p. 957.) (Notn. No. 8683, *B. G. G.*, 1887, p. 984.)

Section 23.—Section 23 is declared applicable to the area within the municipal limits of the city of Hyderabad, Sind, and within the limits of Deh Barchain, Tapo Kathir, táluka Hyderabad, Sind. (Notn. No. 1900, *B. G. G.*, 1883, p. 218.)

Section 27.—Orders concerning the levy of duties in respect of intoxicating drugs in the whole of the Presidency of Bombay (excepting Sind). (Notn. No. 4421, *B. G. G.*, 1880, p. 716.)

1. The duty leviable on account of a license for the joint privileges of manufacture and retail sale of intoxicating drugs shall be fixed by the Collector, who, before granting

any such license, shall put up the said privileges to auction. Bidders at the auction shall be called upon to bid the aggregate amount of duty which they are willing to pay for the privilege of manufacturing and the exclusive privilege of selling intoxicating drugs by retail at one or more shops within the local limits to which the auction extends. The auction should be held subject to confirmation by the Collector who should not bind himself to accept the highest or any bid, but the amount of the bid, if any, which he accepts, should be divided as nearly as possible into as many equal instalments as there are months in the period for which the said joint privileges are to be disposed of. The conditions of sale and other details for the conduct of the auction should be settled from time to time by the Collectors under the orders of the Commissioner.

2. No duty shall be leviable in respect of the sale of intoxicating drugs by a cultivator or owner of any plant from which such drugs are manufactured or produced, nor in respect of the wholesale sale of intoxicating drugs by merchants or dealers, nor except as aforesaid, in respect of the manufacture of intoxicating drugs.

3. When a permit is granted for the import or export of any intoxicating drug, or for the transport of any such drug, between two places not situated within the same district, duty shall be levied on the intoxicating drugs permitted to be so imported, exported or transported at the following rates, *viz.* :—

	Rs.	a.	p.
if the amount does not exceed 10 Indian maunds	5	0	0
for every additional 2 Indian maunds or fraction thereof	1*	0	0

(*Notn. No. 4569, *B.G.G.*, 1880, p. 740.)

Provided that :

(*a*) if in the course of one continuous transaction any intoxicating drugs have, after importation or before exportation, to be transported from one place to another within the Presidency of Bombay, or,

(*b*) if during the course of transporting any such drugs from one place to another within the said Presidency it is necessary to export and afterwards again to import the said drugs,

duty at the above rates shall be leviable once only, notwithstanding that separate permits for import, export and transport are granted.

4. No duty shall be leviable in respect of intoxicating drugs permitted under section 13 to be transported from one place to another situated within the same district.

Section 30.—Under section 30 :—

(1) Licenses, counterpart agreements and permits in respect of intoxicating drugs shall contain the particulars and be granted subject to the instructions and conditions, respectively set forth in the forms A to G hereto annexed;

(2) Licenses in forms A and B shall be granted for a period of one year commencing on the 1st August in one year and ending on the 31st July in the next following year; permits in forms D, E and G shall be granted with validity for such periods as the officer granting the same shall in each case deem fit, but not exceeding, ordinarily, double the length of time actually necessary for the purpose for which the permit is granted; and permits in form F may be granted for such period not exceeding six months as the officer granting them shall in each case deem fit;

(3) No fee shall be charged for any license or permit issued in respect of intoxicating drugs.

Licenses under section 16.

Every license issued under section 16 of the Bombay A'bkári Act, 1878, for the sale on and after the 1st August 1884, within the limits of any monopoly farm for the manufacture and sale of country spirit of strength not exceeding 25° U. P. of— (Nótn. No. 2841, *B.G.G.*, 1884, p 276.

(*a*) imported foreign spirit,

(*b*) country liquor charged under section 19 of the Bombay Abkári Act, 1878, with duty at the same rate as may be leviable under the Indian Tariff Act for the time being in force on foreign spirit imported into India,

shall contain, in addition to the usual conditions, the condition mentioned below, *viz* :—

that the licensee shall not sell, or have in his licensed shop, or in its precincts spirit of any kind of strength less than 15° below London Proof.

The exclusive right of manufacturing and selling country spirit of strength not exceeding 25° below London Proof is at present farmed in every part of the Presidency of Bombay except in the Town and Island of Bombay.

This notification does not apply to Aden and has been suspended in Sind. (Notn. No. 6184, *B.G.G.*, 1884, p. 575.)

Section 35.—The rules by the Commissioner under section 35 (*e*) for the distillery at Dádar in the Island of Bombay, are published at *Bombay Government Gazette*, 1889, pages 466—467. Those for the public distilleries in the Thána and Kolába Districts are published at *Bombay Government Gazette*, 1888, pages 210—211.

*Rules, under section 59, regulating the payment of Rewards to Officers and informers.**

(1) Except in the Town and Island of Bombay, it shall be in the discretion of the Magistrate trying the case to grant a reward, not exceeding the proceeds of any fine imposed under the provisions of the Act, to any officer or other person whose conduct in connection with the case may, in the opinion of the said Magistrate, entitle him to reward. (Notn. No. 6628, *B.G.G.*, 1888, p. 786, superseding Notn. No. 6596, *B. G. G.*, 1878, p. 857.)

(2) In the Town and Island of Bombay, the Collector shall have the same discretion as regards rewards to be granted out of the proceeds of fines under the Act.

(3) It shall be in the discretion of the Collector to grant a reward, not exceeding the proceeds of any confiscation adjudged under the Act, to any officer or other person whose conduct in connection with the case may, in the opinion of the Collector, entitle him to reward.†

---

*The Magistrate is bound to name each person to whom a portion of the fine is to be given by way of reward: I. *vs.* Ambu Balya—B. H. Cr. Rgs., 1st August 1889.

† The following rules as to rewards to be given departmentally and not out of fines and confiscations have been approved by Government. They are not framed under the Act :—

4. In any case in which, in the opinion of the Commissioner, any person has performed service of special merit in respect of the prevention or detection of illicit distillation or smuggling of liquor or of any offence against the Act, the Commissioner may grant to such person a reward not exceeding in amount five hundred rupees.

5. The Commissioner, or with the sanction of the Commissioner, a Collector, may incur at his discretion expenditure not exceeding five hundred rupees in each case for the employment of informers or for any other purpose connected with the prevention or detection of illicit distillation or smuggling of liquor or of any offence against the Act.

6. The Commissioner shall, from time to time, report to Government the circumstances under which any reward may have been granted or expenditure may have been incurred under Rules 4 and 5. (Government Resolution No. 6628, dated 3rd October 1888, R D.)

FORM A.

License for the manufacture and retail sale of Intoxicating Drugs.

Be it known that the Collector of hereby confers upon of the privilege of manufacturing and the sole privilege of selling by retail bháng (or gánja, &c., *as the case may be*) in the district (or táluka, mahál, &c.,) of during the term of one year commencing on the 1st August 1889, and ending on the 31st July 1889, both days inclusive, subject to the conditions hereinafter mentioned, that is to say:—

(1.) That he shall pay monthly in advance on the 1st day of each month, commencing on the 1st August 1889, on account of duty a sum of Rs. into the Government Treasury at ;

(2.) That all risks of loss from failure of seasons or from any other cause whatsoever shall be borne by him, and he shall make all payments of duty as aforesaid from time to time as they fall due, without any excuse or claim for compensation whatever;

(3). That he shall keep a shop (or shops) only at the place (or places) noted in the margin or at such other places as the Collector shall from time to time sanction;

(4.) That he shall make his own arrangements for obtaining supplies of intoxicating drugs which he is hereby licensed to sell: provided always that he shall not purchase the same from any person in the Presidency of Bombay who does not hold a license for the sale thereof, and that if he wishes to import or to transport or remove any intoxicating drugs he shall be subject in doing so to all the provisions of the Bombay A'bkári Act, 1878, and of the rules and orders in force thereunder;

(5.) That any stock of intoxicating drugs which he is hereby licensed to sell which may remain unsold in his hands on the expiration of this license on 31st July 1889, or if it should be in the meantime recalled, on its being so recalled shall, unless in the former case the licensee obtains a fresh license for the retail vend of bháng (gánja, &c., *as the case may be*) during the year then next ensuing, be the property of Government and may be taken possession of by the Collector on 1st August 1889, or immediately upon the recall of the license, as the case may be;

(6.) That he will sell intoxicating drugs in virtue of this license only at the shop (or shops) hereinbefore specified, and unless with the previous written sanction of the Collector, will keep such drugs only at the said shops;

(7.) That he shall from time to time submit to the Collector, for his approval, the name, age, and address of any person whom he proposes to employ at his shop (or shops) and shall forthwith dismiss from his service any person so employed on being required so to do by the Collector;

(8.) That he will not sell to one and the same person on any one day any intoxicating drugs exceeding in the aggregate half an Indian seer, or 40 tolas, unless under the authority and in accordance with the terms of a special order duly made in this behalf under section 17 of the Bombay A'bkári Act;

(9.) That he will not receive grain, goods, ornaments, wearing apparel or other property in barter or pawn for intoxicating drugs;

(10.) That he will not open his shop (or any of his shops) or make sales therein before sunrise, that he will not keep his shop (or any of his shops) open or make sales therein after sunset, and that he will not harbour any person therein during the night;

(11.) That he will not permit persons of notoriously bad character to resort to his shop (or to any of his shops), that he will prevent gaming and disorderly conduct therein, and that he will give information to the nearest Magistrate or Police Officer of any suspected person who may resort to his shop (or to any of his shops);

(12.) That he shall have constantly fixed up in a conspicuous part of the front of his shop (or of each of his shops) a sign-board bearing in legible characters in the vernacular language his name and the words "licensed to sell ";

(13.) That he will keep a daily account at his shop (or at each of his shops), showing the quantities and descriptions of the drugs purchased or imported, the price paid for the same, the names of the persons from whom they are bought, the quantities and descriptions of drugs respectively manufactured and sold each day, and in the case of the drugs sold the names of the persons to whom they are sold and the prices charged for them; and will produce the said account for inspection whenever

required by the Collector or by any subordinate whom he may depute for that purpose, and will also furnish such returns and information as may from time to time be called for by the Collector;

(14.) That if the Collector at any time so requires, the weights or measures used in his shop (or in any of his shops) shall be such only as may be prescribed by the Collector, and shall be tested and stamped, at his expense, at the Collector's or the Táluka Office;

(15.) That he will not, without the previous written permission of the Collector, sublet, in whole or in part, the right of vend conferred upon him by this license or admit partners into his business;

(16.) That this license may be recalled by the Collector in the event of default in the punctual payment of the duty stipulated to be paid in clause 1, or of the infringement by the licensee, or by any of his servants, of any of the conditions hereof, or of any provision of the law relating to Abkári revenue or of any rule or order framed under any such law for the time being in force;

Should this license be so recalled, the right of manufacture and of retail vend for the unexpired portion of the period for which this license is granted may be again disposed of or not as the Collector thinks fit. In either case the licensee shall continue responsible for the instalments of duty stipulated for in clause 1 of this license. If the right of vend is re-disposed of, he shall receive credit for all payments of duty recovered from the new licensee up to the amount of the duty still payable by him, but shall not have any claim to the profit, if any, realized by Government by such re-disposal.

Dated this day of 189 .

(Signed)

Seal of the Collector.

Collector.

FORM B.

License to be granted to cultivators or owners of plants from which intoxicating drugs are manufactured or produced for the sale, or for the manufacture and sale of intoxicating drugs, or to merchants and dealers for the wholesale sale of such drugs.

Be it known that , of is hereby authorized by the Collector of to (manufacture and) sell bháng (or gánja, &c., *as the case may be*) by wholesale at during the term of one year commencing on the 1st August 189 and ending on the 31st July 189 , both days inclusive, subject to the conditions hereinafter mentioned, that is to say:—

(1.) That he shall not sell the said drug (or drugs) to any person other than a licensed wholesale or retail vendor or a licensed exporter thereof, and shall not permit the same to be transported or removed from the place of sale except under a permit duly obtained under the Bombay A'bkári Act, 1878;

* To be inserted only when the license is granted to a merchant or dealer for wholesale sale.

(2.) *That he shall not sell the said drug (or drugs) in smaller quantities than

(3.) That this license may be recalled by the Collector in the event of the infringement by the licensee, or by any of his servants or agent, of any of the conditions hereof, or of any provision of the law relating to Abkári revenue, or of any rule or order framed under any such law for the time being in force.

Dated this day of 189 .

(Signed)

Seal of the Collector.

Collector.

FORM C.

Counterpart agreement to be executed by intending Licensee.

, in consideration of the Collector of granting to me a license under the Bombay Abkári Act, 1878, for the wholesale (or retail) vend (and manufacture) of bháng (or gánja, &c., *as the case may be*) at (or in the district or mahál, &c., of) for the period of one year commencing on the 1st August 189 , and ending on the 31st July 189 , both days inclusive, do hereby agree with the said Collector as follows, viz. :—

(*Here enter the various clauses of the License substituting the first for the third person.*)

*And as security for the due performance by me of the conditions aforesaid, I have this day deposited with the Collector the sum of Rs. . In the event of my making default in any payment due by me under the conditions aforesaid, the said money may be applied by the Collector in liquidation, as far as possible, of the demand against me, the balance only, if any, being returned to me. If I duly perform all the aforesaid conditions the said money is to be returned to me.

* This clause to be added only when a deposit is made.

Dated this day of 189 .

(Signed)

Signed by the said Licensee.

in the presence of

FORM D.

Collector's Seal.

No.

Date

Name of Importer

Drugs to be imported.

Description.	Quantity.

Whence to be imported

Place of import

Duty paid Rs.

Date up to which permit will be in force

Collector.

Import Permit for Intoxicating Drugs.

No. *Office of the Collector of*

Dated 189

of

is hereby authorized, subject to the conditions noted on the reverse, to import at from

Description.	Quantity.

Intoxicating Drugs of the descriptions and quantities specified in the margin.

This Permit, which has been granted on payment by the Importer of a duty of Rs. will be in force only up to the evening of the

Collector.

FORM E.

Collector's Seal.

No.

Date

Name of Exporter

Drugs to be exported.

Description.	Quantity.

Destination

Place of export

Duty paid Rs.

Date up to which permit will be in force

Collector.

Export Permit for Intoxicating Drugs.

No. *Office of the Collector of*

Dated 189 .

of

is hereby authorized, subject to the conditions noted on the reverse, to export at to

Description.	Quantity.

Intoxicating Drugs of the descriptions and quantities specified in the margin.

This Permit, which has been granted on payment by the Exporter of a duty of Rs. will be in force only up to the evening of the 189 .

Collector.

Note.—This Permit and the drugs imported in virtue thereof must be presented at the time of import for examination to the of

and after import the Permit must be delivered to the of

(Any other terms which the Collector thinks fit to impose under section 9 (c) of the A'bkári Act should be inserted here.)

Note.—This Permit and the drugs exported in virtue thereof must be presented at the time of export for examination to the

and after export the Permit must be delivered to the of

(Any other terms which the Collector thinks fit to impose under section 10 (e) of the A'bkári Act should be inserted here.)

FORM F.

General Permit for transport or removal of Intoxicating Drugs.

No.

Date

Name of Permit-holder

Description of Drugs.

Route

Period for which permit is granted:

commencing the

(Signed)

Collector (or, &c.)

No.

Date

is hereby permitted, subject to the terms noted on the reverse, to remove intoxicating drugs of the descriptions noted in the margin from to , from time to time as he finds it necessary.*

Description.

Such drugs are to be conveyed by the undermentioned route, viz.:—

This Permit will be in force for a period of

commencing on the

(Signed)

Collector (or other Abkári Officer empowered under section 13).

*This will be inserted only if the places between which drugs are to be conveyed are more than 10 miles apart.

FORM G.

Special Permit for transport or removal of Intoxicating Drugs.

No.

Date

Name of Permit-holder

Purpose of removal

Drugs referred to in Permit:

Description.	Quantity.

Route

Duty (*or* fee) paid Rs.

Date up to which Permit will be in force

No.

Date

of

is hereby permitted, subject to the conditions noted on the reverse, to remove from

Description.	Quantity.

to

for the purpose of intoxicating drugs of the descriptions and quantities noted in the margin*by the undermentioned route, viz., . Rs. , being the amount of the duty (*or* fee, *as the case may be*) payable on account of the permit, have been paid to the undersigned.

This Permit will be in force only till the evening of the

(Signed)

Collector (or, &c.)

(Signed)

Collector (or other Abkári Officer empowered under section 13).

* This will be inserted only if the places between which drugs are to be conveyed are more than 10 miles apart.

Note.—Whenever any intoxicating drugs are removed under this Permit, the holder thereof must present the same, together with a receipt from
for the duty prescribed by Government under section 27 of the Bombay Ábkári Act, 1878, on the intoxicating drugs removed, to the undermentioned officers *en route* and obtain their signatures to the certificates beneath this:—

Removal of Drugs.			* Amount of Duty paid.	Signatures in acknowledgment of correctness.					
Date.	Description.	Quantity.		The	at	The	at	The	at

When the period of this Permit expires it must be delivered to

* This will be inserted only if duty is payable.

Note.—When intoxicating drugs are being removed under this Permit, the holder thereof must present the same to the undermentioned officers *en route* and obtain their signatures to the certificates beneath this, and as soon as the intoxicating drugs have been conveyed to their destination deliver this permit to

Date.	Signatures in acknowledgment of correctness.					
	The	at	The	at	The	at

RULINGS BY THE HIGH COURT.

1. *Sections 14, 20, 64, 65, 66 and 67.—Tree—Toddy producing-tree.*—The words "Any tree" in section 14 and "every toddy-producing tree" in section 20 of the Bombay Abkári Act V of 1878, mean all trees in the Bombay Presidency to which the Act applies, from which toddy is drawn or produced, and not merely those in regard to which no special rights of drawing toddy previously existed. *Ardesir Jehangir* v. *The Secretary of State for India*—I. L. R., 6 Bom., 398.

2. *Section 24.—Per* Birdwood, J.—The expression "land revenue" as used in Act X of 1876 does not include either the duties leviable under Regulation XXI of 1827 on the manufacture of spirits, or the taxes on the tapping of toddy trees, the levy of which in certain districts was legalised by section 24 of the Bombay Abkári Act, No. V of 1878. A farmer of duties on the manufacture of spirits is not authorized to levy a duty on any juice in trees, either under Regulation XXI of 1827 or Act X of 1876, or Bombay Act V of 1878. Juice in toddy-producing trees is not spirit, which includes toddy in a fermented, state only. *Narayan Venka Kalgatkar* v. *Sakharam Nago Keregannker*—I. L. R., 9 Bom., 462.

3. *Section 43 and 53.—Possession of distilling materials.*—Mere possession, without a license, of utensils for distilling liquor, is not an offence punishable under section 43 of the Abkári Act (Bombay), No. V of 1878. It is only in cases where such possession is not satisfactorily accounted for that, under section 53, it is to be presumed, until the contrary is proved, that a person in possession of such utensils has committed an offence under section. *43. Queen Empress* v. *Pestanji Barjoji*—I. L. R., 9 Bom., 456.

4. *Section 43, Cl. F., and 53.—Burden of proof.*—Mere possession of mowra flowers does not constitute an offence under section 43 of the Abkári Act, V of 1878, unless such possession is made out by the prosecution to have been for the purposes of distilling liquor therefrom. Nor is a seller of these flowers criminally responsible for any illicit use of them after they have passed from his control. *In re the petition of Limda Koya*—I. L. R., 9 Bom., 556.

Section 43.—Growing "gánja" without a permit is not an offence under section 43 of the Bombay Act V of 1878. *In re Narayan Soma*—B. H. Ct. Cr. Rgs., 26th April 1883.

Sections 9 and 43.—Carrying without a pass or permit liquor through a British Indian village on the way between two villages in a Native State is punishable under the Act as importing liquor. *I.* v. *Jeria Sukhla*—B. H. Ct. Cr. Rgs., 24th November 1886.

Section 43 (b).—Where accused removed some gánja grown in one of his survey numbers to a threshing floor in his adjoining survey number for the purpose of preparing it, the two survey numbers being practically one field, held that his act was not a removal from one place to another, punishable under section 43 (*b*). *I.* v. *Satwa bin Rama*—B. H. Ct. Rgs., 13th June 1889.

Section 43 (b).—A person holding a pass for tapping toddy trees and carrying toddy to his shop, told his niece to drive a buffalo laden with toddy while he himself searched for his runaway pony. The girl was convicted for transporting toddy without a pass. The conviction was reversed, on the ground that she could not be considered as herself transporting the toddy, as her uncle, who had but momentarily withdrawn, might be deemed as still controlling the buffalo laden with it.—*I.* v. *Nagowa kom Lalapa*—B. H. Ct. Cr. Rgs., 21st October 1886.

Section 43 (c).—Mere cultivation of *ganja* plants is not a process of manufacturing intoxicating drugs within the meaning of section 43 (*c*).—*I.* v. *Dada bin Apaji*—B. H. Ct. Cr. Rgs., 15th November 1888; *I.* v. *Narayan valad Soma, ib.*, 26th April 1883.

Section 43, cl. (g).—A transfer of gánja from one shop to another, both shops belonging to the same licensee, does not constitute a sale punishable under section 43 (*g*). *Mohon valad Vithoba*—B. H. Ct. Cr. Rgs., 1st October 1885.

Section 45 (c).—A licensee required by his license to maintain at his retail shops such minimum stocks of spirits as the Collector should from time to time direct, and on no account to allow the stock to be less than the quantity so fixed, was held properly convicted for breach of his license, on the stock at one shop being found insufficient, on the principle that an act failing to comply with terms legally imposed is illegal in the affirmative as well as in the negative sense. *I.* v. *Pedru bin Saver*—B. H. Ct. Cr. Rgs., 15th February 1887.

Section 45, cl. c, applies only to the "holder of a license" and not to a mere servant of the licensee. *I.* v. *Gaffur valad Adam et al*—B. H. Ct. Cr. Rgs., 6th August 1885, followed in *I.* v. *Gopal Vishram et al*—B. H. Ct. Cr. Rgs., 26th July 1888; *I.* v. *Gopal Vishram*—B. H. Ct. Cr. Rgs., 13th September 1888; *I.* v. *Ramji Raghoji*—B. H. Ct. Cr. Rgs., 15th November 1888.

Section 45, and Section 33, I. P. C.—A licensee for selling bháng and gánja was convicted of breach of his license by omitting to open shops at certain places and to keep accounts. Held that neither omission was an "act" in breach of any condition of his license, section 33 of the

Indian Penal Code having no application to this case. *I.* v. *Nana Mahadev*—B. H. Ct. Cr. Rgs., 11th March 1886.

Section 45 (c).—An accused was convicted of a breach of a license under section 45 (*c*) of the Bombay Abkári Act, in that he did not establish toddy shops at certain places in the Bijápur Táluka within a certain time. The license did not specify any time for the opening of the shops. Held that the matter was left by the license to subsequent adjustment between the Collector and the contractor, and the conviction was reversed. B. H. Ct. Cr. Rgs., 6th March 1886.

Section 47.—The law does not allow the head of a family to have in his possession, without license, permit, pass or special order, a larger quantity of country liquor than may legally be sold under section 17 merely because he has adults living with him. *I.* v. *Farsu Dumji Damel*—B. H. Ct. Cr. Rgs., 27th May 1886.

Section 47.—Conviction for being in possession without a license, permit or pass of more than a certain quantity of country liquor should cite the authority which under sections 17 and 47 makes such possession illegal; otherwise the conviction is on its face insufficient. *I.* v. *Kana Bulkur*—B. H. Ct. Cr. Rgs., 11th November 1886.

Section 53.—An accused was proved to have in his possession 44 bottles of country liquor much exceeding in strength that which might be sold in the district. He was convicted of offences against sections 43 and 47, and sentenced to imprisonment under section 43 and to fine under section 47. *Held* (1) the presumption intended to be drawn by section 53 of the Act is the presumption of an offence under section 43 or 47 or both according to the facts of each particular case. (2) To make section 43 applicable, there ought to be, beyond mere possession, some affirmative evidence of the facts necessary to constitute an offence under that section, and in the absence of such evidence accused could be convicted only under section 47. *I.* v. *Byramji Kharsedji*—B. H. Ct. Cr. Rgs., 11th July 1889.

Section 55.—A *Magistrate* cannot order *confiscation* under the Bombay Abkári Act V of 1878, the Collector only being invested with such power. *I.* v. *Baslingapa*—B. H. Ct. Cr. Rgs., 22nd July 1880.

Section 60 does not apply to an appeal by a person convicted by a Magistrate of a breach of a license. Enhancement under section 209, Bombay Land Revenue Code, of a fine imposed under section 56 of the Abkári Act, 1878, was, therefore, illegal. *I.* v. *Miya Saheb valad Mahomed*—B. H. Ct. Cr. Rgs., 15th February 1885.